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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,869	12/30/2003	Steve Hurson	NOBELB.163A	3711
20995	7590	08/25/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			LEWIS, RALPH A	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			3732	
IRVINE, CA 92614				

NOTIFICATION DATE	DELIVERY MODE
08/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Advisory Action After the Filing of an Appeal Brief	Application No. 10/748,869 Examiner Ralph A. Lewis	Applicant(s) HURSON, STEVE Art Unit 3732
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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 04 August 2008 is acknowledged.

1. The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
 - a. The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
 - b. The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).
2. The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. The reply is entered. An explanation of the status of the claims after entry is below or attached.
4. Other: The After Final Amendment of 8/4/2008 to the claims has been entered. The amendment overcomes the 35 USC 112, second paragraph rejection in the final of 7/27/2007 and will be withdrawn. The prior art rejections remain in effect. Applicant's Appeal Brief will be taken up in due course after compliance with the informality notice of 8/15/2008.

/Ralph A. Lewis/
Primary Examiner, Art Unit 3732